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6 Attorneys for USACM Liquidating Trust

7 **UNITED STATES BANKRUPTCY COURT**
8 **DISTRICT OF NEVADA**

9 In re:

10 USA Commercial Mortgage Company,
11 USA Capital Realty Advisors, LLC,¹
12 USA Capital Diversified Trust Deed Fund,
13 LLC,
14 USA Capital First Trust Deed Fund, LLC,²
15 USA Securities, LLC,³

Debtors.

16 **Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**DECLARATION OF EDWARD M.
BURR IN SUPPORT OF OMNIBUS
OBJECTIONS TO DUPLICATE
PROOFS OF CLAIM; AND
CERTIFICATE OF SERVICE**

Date: February 20, 2009

Time: 9:30 a.m.

- 21 1. I Edward M. Burr, hereby declare under penalty of perjury that:
22
23 2. I am a principal with Sierra Consulting Group, LLC ("Sierra").

24
25 ¹ This bankruptcy case was closed on September 23, 2008.

26 ² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

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1 3. I submit this declaration on behalf of the Omnibus Objections to Duplicate
2 Proofs of Claim (the “Objection”) [DE 6728, 6730, 6732, 6734, 6736, 6738, 6740, and
3 6742] filed by the USACM Liquidating Trust (the “USACM Trust”), as successor to USA
4 Commercial Mortgage Company (“USACM”).

5 4. Sierra previously served as financial adviser to the Official Committee of
6 Unsecured Creditors of USA Commercial Mortgage Company (“Committee”).

7 5. I assisted the Committee in analyzing facts concerning these jointly
8 administered bankruptcy cases, including scheduled liabilities and proofs of claim. The
9 Committee ceased to exist on March 12, 2007, the Effective Date of the Debtors’ Third
10 Amended Joint Chapter 11 Plan of Reorganization (“Plan”), and I am now assisting the
11 USACM Liquidating Trust (“USACM Trust”) created under the Plan.

12 6. I make the following declaration based upon my personal knowledge, and
13 upon the records of the Debtors and the USACM Trust described in this declaration.

14 7. On March 12, 2007, the Effective Date of the Plan, the USACM Liquidating
15 Trust succeeded to USACM’s rights with respect books and records

16 8. I understand that under the Plan as modified by the Confirmation Order, the
17 deadline for interested parties to object to allowance of claims and equity interests was 90
18 days after the Effective Date, or June 10, 2007. That deadline was further extended to
19 February 9, 2009 by Order of this Court.

20 9. Sierra has been working closely with both the Trustee for the USACM
21 Liquidating Trust and Development Specialist Inc. (“DSI”), the Trustee’s financial
22 advisor, in evaluating all of the claims that were filed in the USACM estate.

23 10. The Trustee prepared the Omnibus Objections to the Duplicate Claims filed
24 in the USA Commercial Mortgage Company Estate. The table attached hereto as Exhibit
25 1 identifies the proofs of claim that appear to be duplicates of one another. For each pair
26 of duplicate claims, the table gives the name and address of the claimant who filed the

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1 claims, the proof of claim number for the duplicate claim, the duplicate claim amount, the
2 reason the Trust concluded the claims are duplicates and the basis for the objection, the
3 surviving proof of claim number and the surviving claim amount. The “duplicate claim”
4 is the claim that the Trust is objecting to and which will be disallowed if the Court grants
5 the objection. The Trust is not objecting to the “surviving claim” at this time.

6 11. I make this declaration under penalty of perjury of the laws of the United
7 States of America on January 15, 2009.

8 By /s/ Edward M. Burr
9 Edward M. Burr

10 Copy of the foregoing (without exhibit)
11 served on January 15, 2009 via e-mail or first
12 class postage prepaid U.S. Mail to all
13 parties listed on the First through Eighth
14 Omnibus Objection to Duplicate Claims.

15 /s/ Carrie Lawrence
16 Carrie Lawrence
Lewis and Roca LLP

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